

**Notice of Allowability**

Application No.

09/936,175

Examiner

Hoang-Vu A. Nguyen-Ba

Applicant(s)

WARD ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment after Final & Notice of Appeal filed 12/14/05.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.



ANTONY NGUYEN-BA  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT and REASONS FOR ALLOWANCE**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Mah, Reg. No. 41,426 on January 12, 2006.

2. The application has been amended as follows:

#### **In the Specification:**

- a. at page 2, line 24, delete "Windows" and insert – Windows® --
- b. at page 5, line 17, after "command to commence testing and" delete "the" and insert – then –
- c. at page 6, line 21, after "under test could" insert – be –
- d. at page 7, line 1, after "used in" delete "the"
- e. at page 8, line 1, delete "CLAIMS" and insert – What is Claimed is: --

#### **In the Abstract (Amendment filed November 12, 2004):**

- a. at line 1, before "method and apparatus" insert – system, --
- b. at line 3, before "selects elements of software" delete "systems" and insert – system –
- c. at line 4, after "under test, tests the" delete "element" and insert – elements –

#### **In the Claims (Amendment filed December 14, 2005):**

- a. **Claim 11:** at lines 1-2, delete "A computer readable data carrier loadable into a computer and" and insert – A program storage device readable by a computer, --

- b. **Claim 12:** at lines 1-2, delete “A computer readable data carrier loadable into a computer and” and insert – A program storage device readable by a computer, --
- c. **Claim 13:**
  - i. at line 4, before “medium having a computer readable code means” delete “usable” and insert – readable storage –
  - ii. at line 7, after “computer readable code means for causing” delete “the” and insert – a –

3. Claims 1-13 are allowed.

4. The following is an examiner’s statement of reasons for allowance:

The prior art of record, i.e., U.S. Patent No. 6,002,869 to Hinckley, teaches a test automation system for performing functional tests of software programs. Hinckley’ system includes a plurality of test functions each configured to test a discrete component of the software program. A user-defined test specification associated with the program provides state definitions that specify a desired test approach for each type of test procedure to be performed on the program.

However, Hinckley, when taken alone or in combination, fails to teach or suggest at least automatically registering each active element of said plurality of software elements and associating a set of test criteria with each registered active element of software as recited in independent Claims 1, 6, 11, 12 and 13.

As clearly pointed out by Applicants in the Remarks, filed in December 15, 2005, at page 10, last ¶, Applicants’ invention provides an **automatic** test specification rather than requiring a user to define a test specification for each element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Thursday, 7:15 to 17:15.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA  
PRIMARY EXAMINER

January 13, 2006